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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,003	07/10/2000	HAJIME INOUE	SONYJP-086	6725

530 7590 12/22/2009

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
ALAM, MUSHFIKH I	
ART UNIT	**PAPER NUMBER**
2426	

MAIL DATE	DELIVERY MODE
12/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/600,003	INOUE ET AL.	
	Examiner	Art Unit	
	MUSHFIKH ALAM	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2001*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *52,58-67 and 72* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *52,58-67 and 72* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 July 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 52, 58-67, and 72 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 52, 58-67 and 72 are rejected under 35 U.S.C. 103(a) as being obvious over Akamatsu et al. (US 7224886) and Sparks et al. (US 2002/0018638), and further in further view of Hashimoto et al. (US 5990940), and further in view of Yuen (US 5621579).

As to claim 52, Akamatsu discloses a receiving apparatus of a digital broadcasting for

receiving a digital broadcasting signal constructed by a transport stream in which video data and audio data have been compressed and multiplexed, comprising (see Akamatsu, fig. 1, the IRD represents a receiving app for a digital broadcast):

a decoder for decoding said received digital broadcasting signal (see Akamatsu, fig. 1, the IRD is a decoder of the signal);

a digital interface for receiving a transport stream from an external reproducing apparatus (fig. 1, recording device) having both analog and digital recording and reproducing modes (see Akamatsu, fig. 4, *the communication interface is a digital interface with an external reproducing apparatus with D/A record and play modes (see p. 21, ll. 20-25 and fig. 4 shows both a reproducing and recording section on the related device))*; and

Akamatsu is unclear on the digital broadcast signal is displayed; however, Sparks, who discloses OSD insertion, does teach the digital broadcast signal being displayed (see Sparks [0008] a dig. Signal source is coupled to display regardless of recorder's status). Sparks teaches a display processing circuit for displaying (see Sparks, fig. 2, processing within 200).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Akamatsu with the apparatus of Sparks in order to allow for display of digital signals during digital record mode without adding extra complexity to the apparatus.

The combined teaching is unclear on the displaying of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/ reproducer (and therefore could not be decoded).

However, it is submitted that it would have been clearly obvious (as evidenced by Hashimoto col. 11, ll. 17-35 and fig. 14a) to one of ordinary skill in the art at the time the invention was made to modify Akamatsu and Sparks with the displaying of an alarm if

an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction.

Akamatsu, Sparks are unclear on the specific features of

"a CPU programmed for retrieving information associated with a program recorded on a recording medium loaded in said reproducing apparatus from a memory in said reproducing apparatus" and

"wherein the decoder for determining whether a transport stream corresponding to the program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by said decoder."

However, Yuen discloses a CPU programmed for retrieving information associated (titles) with a program recorded (figs. 18-19) on a recording medium loaded in said reproducing apparatus from a memory in said reproducing apparatus (see figs 18-19 for a list of recorded programs).

Yuen also inherently discloses the ability to determine whether a transport stream corresponding to the program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by said decoder. *If the program is displayed on the display apparatus then it has been determined that the program is indeed decodable.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a list of recorded programs as taught by Yuen '579 to the system of Akamatsu, Sparks, Hashimoto to allow users to locate and view recorded programs (col. 16-17, lines 65-06).

As to claim 58, Akamatsu discloses a receiving apparatus of a digital broadcasting for

receiving a digital broadcasting signal constructed by a transport stream in which video data and audio data have been compressed and multiplexed, comprising (see Akamatsu, fig. 1, the IRD represents a receiving app for a digital broadcast):

a decoder for decoding said received digital broadcasting signal (see Akamatsu, fig. 1, the IRD is a decoder of the signal);

a digital interface for receiving a transport stream from an external reproducing apparatus (fig. 1, recording device) having both analog and digital recording and reproducing modes (see Akamatsu, fig. 4, the communication interface is a digital interface with an external reproducing apparatus with D/A record and play modes (see p. 21, ll. 20-25 and fig. 4 shows both a reproducing and recording section on the related device); and

Akamatsu is unclear on the digital broadcast signal is displayed; however, Sparks, who discloses OSD insertion, does teach this (see Sparks [0008] a dig. Signal source is coupled to display regardless of recorder's status). Sparks teaches a display processing circuit for displaying (see Sparks, fig. 2, processing within 200).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Akamatsu with the apparatus of Sparks in order to allow for display of digital signals during digital record mode without adding extra complexity to the apparatus.

Akamatsu, Sparks are unclear on the displaying of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/reproducer (and therefore could not be decoded).

However, it is submitted that it would have been clearly obvious (as evidenced by Hashimoto col. 11, ll. 17-35 and fig. 14a) to one of ordinary skill in the art at the time the invention was made to modify the combined teaching with the displaying of an alarm if an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction.

Akamatsu, Sparks, Hashimoto are unclear on the specific feature of

"wherein the decoder is for determining whether the transport stream to a program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by said decoder."

However, Yuen inherently discloses the ability to determine whether the transport stream corresponding to the program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by said decoder. *If the program is displayed on the display apparatus then it has been determined that the program is indeed decodable.*

As to claim 59, Akamatsu and Sparks and Hashimoto (as combined in claim 58) disclose an apparatus according to claim 58, wherein said information associated with said program includes at least one of a channel number of the program, a program name, a genre, a date of the recording, and a recording time (see Akamatsu, fig. 30).

As to claim 60, Akamatsu and Sparks and Hashimoto (as combined in claim 58) disclose an apparatus according to claim 58, wherein said information associated with said program includes recording position information of the program on the recording medium (see Akamatsu, fig. 30).

As to claim 63, Akamatsu discloses a receiving apparatus of a digital broadcasting for

receiving a digital broadcasting signal constructed by a transport stream in which video data and audio data have been compressed and multiplexed, comprising (see Akamatsu, fig. 1, the IRD represents a receiving app for a digital broadcast):

a decoder for decoding said received digital broadcasting signal (see Akamatsu, fig. 1, the IRD is a decoder of the signal);

a digital interface for receiving a transport stream from an external reproducing apparatus (fig. 1, recording device) having both analog and digital recording and reproducing modes (see Akamatsu, fig. 4, the communication interface is a digital interface with an external reproducing apparatus with D/A record and play modes (see p. 21, ll. 20-25 and fig. 4 shows both a reproducing and recording section on the related device); and

Akamatsu is unclear on the digital broadcast signal is displayed; however, Sparks, who discloses OSD insertion, does teach this (see Sparks [0008] a dig. Signal source is coupled to display regardless of recorder's status).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Akamatsu with the apparatus of Sparks in order to allow for display of digital signals during digital record mode without adding extra complexity to the apparatus. Sparks teaches a display processing circuit for displaying (see Sparks, fig. 2, processing within 200);

Akamatsu, Sparks are unclear on the displaying of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/reproducer (and therefore could not be decoded).

However, it is submitted that it would have been clearly obvious (as evidenced by Hashimoto col. 11, ll. 17-35 and fig. 14a) to one of ordinary skill in the art at the time the invention was made to modify the combined teaching with the displaying of an alarm if an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction.

The Akamatsu, Sparks, Hashimoto are unclear on the specific feature of

"wherein the decoder is for determining whether the transport stream corresponding to the program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by said decoder."

However, Yuen inherently discloses the ability to determine whether the transport stream corresponding to the program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by

said decoder. *If the program is displayed on the display apparatus then it has been determined that the program is indeed decodable.*

As to claims 64 and 65, they are analyzed similar to claims 59 and 60, respectively.

As to claim 72, Akamatsu discloses a method of recording program associated information in a receiving apparatus of a digital broadcasting, comprising (see Akamatsu, fig. 1):

receiving a digital broadcasting signal constructed by a transport stream in which video data and audio data have been compressed and multiplexed, comprising (see Akamatsu, fig. 1, the IRD represents a receiving app for a digital broadcast):

a decoder for decoding said received digital broadcasting signal (see Akamatsu, fig. 1, the IRD is a decoder of the signal);

a digital interface for receiving a transport stream from an external reproducing apparatus (fig. 1, recording device) having both analog and digital recording and reproducing modes (see Akamatsu, fig. 4, the communication interface is a digital interface with an external reproducing apparatus with D/A record and play modes (see p. 21, ll. 20-25 and fig. 4 shows both a reproducing and recording section on the related device); and

Akamatsu is unclear on the digital broadcast signal is displayed; however, Sparks, who discloses OSD insertion, does teach this (see Sparks [0008] a dig. Signal source is coupled to display regardless of recorder's status).

Sparks teaches a display processing circuit for displaying (see Sparks, fig. 2, processing within 200, the information displayed is certainly associated with the program recorded (and shown in a predetermined format-display));

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Akamatsu with the apparatus of Sparks in order to allow for display of digital signals during digital record mode without adding extra complexity to the apparatus.

Akamatsu, Sparks are unclear on the displaying of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/reproducer (and therefore could not be decoded).

However, it is submitted that it would have been clearly obvious (as evidenced by Hashimoto col. 11, ll. 17-35 and fig. 14a) to one of ordinary skill in the art at the time the invention was made to modify the combined teaching with the displaying of an alarm if an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction.

Akamatsu, Sparks, Hashimoto are unclear on the specific features of

"a CPU programmed for retrieving information associated with a program recorded on a recording medium loaded in said reproducing apparatus from a memory in said reproducing apparatus" and

"wherein the decoder is for determining whether the transport stream corresponding to the program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by said decoder."

However, Yuen discloses a CPU programmed for retrieving information associated (titles) with a program recorded (figs. 18-19) on a recording medium loaded in said reproducing apparatus from a memory in said reproducing apparatus (see figs 18-19 for a list of recorded programs).

Yuen also inherently discloses the ability to determine whether the transport stream corresponding to the program recorded on the recording medium reproduced by said reproducing apparatus and received through said digital interface is decodable by said decoder. *If the program is displayed on the display apparatus then it has been determined that the program is indeed decodable.*

4. Claims 61and 66, are rejected under 35 U.S.C. 103(a) as being obvious over Akamatsu et al. (US 7224886) and Sparks et al. (US 2002/0018638)m and further in further view of Hashimoto et al. (US 5990940), and further in view of Yuen (US 5621579), and further in further view Yuen et al. (US 6147715).

As to claim 61, Akamatsu and Sparks and Hashimoto (as combined) disclose an apparatus according to claim 58,

Akamatsu, Sparks, Hashimoto are unclear on wherein said information associated with said program is overlapped to a reproduction signal from said reproducing apparatus and displayed, however, Yuen '715, who discloses an apparatus for indexing guide information for recordation and replay, teaches information associated with a program that is “overlapped” or overlaid to a reproduction signal so as to provide the user with information in a convenient fashion (see Yuen '715, col. 1, ll. 59-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of the combination with that of Yuen so as to provide the user with information in a convenient fashion (see Yuen ‘715, col. 1, l. 50-col. 2, l. 4).

As to claim 66, it is analyzed similar to claim 61.

5. Claims 62 and 67, are rejected under 35 U.S.C. 103(a) as being obvious over Akamatsu et al. (US 7224886) and Sparks et al. (US 2002/0018638), and further in further view of Hashimoto et al. (US 5990940), and further in view of Yuen (US 5621579), and further in view Yuen et al. (US 6147715) in further view of Suga et al (US 2004/0208482).

As to claim 62, Akamatsu and Sparks and Hashimoto (as combined) disclose an apparatus according to claim 58,

Akamatsu, Sparks, Hashimoto are unclear on wherein said information associated with said program is overlapped to a reproduction signal from said reproducing apparatus and displayed, however, Yuen, who discloses an apparatus for indexing guide information for recordation and replay, teaches information associated with a program that is “overlapped” or overlaid to a reproduction signal so as to provide the user with information in a convenient fashion (see Yuen, col. 1, ll. 59-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of the combination with that of Yuen so as to provide the user with information in a convenient fashion (see Yuen, col. 1, l. 50-col. 2, l. 4).

Akamatsu, Sparks, Hashimoto, Yuen ‘579, with Yuen '715 is unclear on displaying information of the mode of the recorded program, however, Suga, who discloses an apparatus for indexing guide information for recordation and replay, does teach displaying information of the mode of the recorded program (see Suga, fig. 5 and 29-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of the Yuen combination with Suga in order to display record mode information for a user (see Suga, [174-179]).

As to claim 67, it is analyzed similar to claim 62.

Response to Arguments

6. Applicant's arguments filed 9/21/2009 have been fully considered but they are not persuasive.

Applicant argues that Hashimoto and Yuen, alone or in combination, do not cure the deficiencies of Akamatsu or Sparks with respect to the requirements of the claimed invention. In contrast to the Examiner's statements, the applied portions of Hashimoto do not appear to describe "notify[ing] the user of a problem that may arise in program recording or reproduction." (Emphasis in original, Official Action pg. 4). Rather, the applied portions of Hashimoto appear to disclose adjusting a video monitor for displaying an input video signal which does not require decoding to be displayed, and displaying an error message if scanning frequencies of the input video signal are out of the adjustable range of the monitor or if no video signal is present.

The Examiner respectfully disagrees. Reading the claims in the broadest sense, Hashimoto is relied upon for teaching “the displaying of an alarm if an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction”. The error message due to scanning frequencies is in fact interpreted as a message sent to the user.

Applicant argues further that Yuen appears to disclose displaying information associated with a program(s) recorded on a tape (recording medium) loaded in a VCR system (reproducing apparatus), such as a title of a program or a selected video frame

(SVF) representative of a program recorded on the tape, where the displayed information is obtained from a separate memory (RAM or SRAM) of the VCR system or an initial portion of the tape and displayed without performing any decoding on the information. (See Col. 15, in. 66-Coi. 16, in. 50). Contrary to the Examiner's statements, the display of the SVF of the program is not an inherent disclosure that the VCR system has the ability to determine whether the "program" recorded on the tape is decodable and, in particular, to determine whether a transport stream corresponding to a program recorded on the tape is decodable. The display of the SVF in Yuen does not mean, as stated by the Examiner, that the "program is indeed decodable." Thus, the applied portions of Yuen do not appear to disclose or suggest determining whether the transport stream corresponding to a program recorded on a recording medium which is reproduced is decodable, as required by the claimed invention.

In response to Applicant's argument, Hashimoto is relied upon for teaching a message pertaining to errors of a transport stream as discussed above and in the Office Action. Yuen is relied upon for determining whether or not a program is decodable. This is inherent is Yuen, reading the claims in the broadest sense, any program that is displayed is decodable, thus the determination that it is decodable is inherent. Further, if a program is being displayed (decoded for viewing), then it MUST be decodable.

Conclusion

7. Claims 52, 58-67, and 72 are rejected.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirl Joseph can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/
Examiner, Art Unit 2426
12/17/2009

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
December 18, 2009